

The ARPA-way

According to the story, back in the summer of '75 there was a young warrior seeking his path. Participating in a sundance along the Little Bighorn River near Lodge Grass, MT, it was revealed that his energies should go towards protecting our gifts from the Everywhere Spirit. He was shown a sacred area and told a story about an Apsaruke trader who had taken and sold its offerings. The trader later suffered a long and painful illness from which he never recovered. Being cautioned that "any fool can be young, it takes wisdom to grow old," the young warrior was told that he had strong medicine, that no one would harm him, and that he should use his strengths for the care and safety of the people.

Many first moons of the killing frost passed. The chief ranger for the National Park Service's (NPS) Southwest

Region asks a ranger at Santa Monica Mountains National Recreation Area to come to work in Santa Fe, NM. This ranger-warrior knew that the regional director had very strong medicine and decided that it would be good. He learned that artifacts from public lands may have shown up in galleries, and that Federal land managers were concerned about their archeological resources' entering the commercial artifact trade. Later, when an interagency Archaeological Resource Protection Act (ARPA) Task Force was created, he was "selected" to participate since he had studied and worked at historical and archeological areas. At first, his fellow warrior-protectors came from the Bureau of Land Management, U.S. Forest Service, and NPS, but eventually the Federal Bureau of Investigation, Internal Revenue Service, Bureau of Indian Affairs, U.S.

Customs Service, and U.S. Fish and Wildlife Service became involved too. They made covert and undercover operational plans and identities — some worked, some did not. They learned much. As one warrior said: "the hunting was good."

Their primary goal was to make ARPA cases and, later, Native American Grave Protection and Repatriation Act (NAGPRA) cases, to count many coups upon those plundering our patrimony. The task force hoped to continue public education efforts, heightening awareness and sensitivities about protecting our nonrenewable archeological and historic resources. The task force was prepared to go after anyone, anywhere, anytime, but aimed at three specific targets: the looter, the trafficker, and the collector. All three are legally and morally culpable; all three thrive on greed. They rationalize their activities as recovering lost art and avoid owning up to ravaging heritage and patrimony for personal gain.

Through case leads, the warrior-protectors quickly discovered that people from many backgrounds and interests were involved — occasionally even a current or former NPS employee. They found that the theft of and trafficking in artifacts included people from every socioeco-

Bureau of Land Management archeologist Tony Lutonsky shows the damaged wall height at Tower Site, Tapia Canyon, NM, an area sacred to the Canonicito Navajo. The wall was reduced by looters. Investigation resulted in an ARPA conviction.



Extensive damage at an archeological site in central New Mexico caused by mechanized equipment. Damage assessment exceeded \$10 million.

conomic level, and that the United States was both the source of and a destination for illegal artifacts. They learned that illicit trade in stolen art and artifacts is one of the leading crimes worldwide, in company with trafficking in drugs, weapons, and wildlife. Over time they noticed a trend: “Good things generally happen to those involved with cultural resources protection; bad things happen to those who violate our heritage protection laws.”

Several of the interagency ARPA and NAGPRA efforts in Arizona and New Mexico have defined the state of legal practice for enforcing protection laws. In some areas, violators paid their dues to the judicial system, but sometimes a “higher authority” intervened. The tally has included incarceration, fines, the seizure and forfeiture of assets; there also have been consequent bankruptcies, lost jobs, dissolved businesses, legal costs, tribal ostracism, tainted professional reputations, disabling diseases, divorces, and even deaths.

I was that young warrior seeking his path. I have been amazed at the debts some looters, traffickers, and collectors continue to pay. I ponder their penalties, probations, and dollars lost. I also wonder about the other losses that can come their way. I hope that their songs and prayers are



many, as some may pay a higher price than the legal consequences for their actions. What about those who destroy human burials with digging equipment, especially mechanized equipment? When people disturb or destroy sacred areas and beings, there is bound to be another level of indebtedness.

In retrospect, my career path was guided to this calling. My reward was being an operations chief for the massive NAGPRA reinterment of human remains at Pecos National Historical Park in 1999, by far one of the most gratifying experiences in my life. Now I am involved in efforts with the State of New Mexico’s Historic Preservation Division to assist in establishing Site Steward programs Statewide, and to continue the protection of archeological and sacred areas. It has been a good path, with so much still to do.

The warriors-protectors now include prosecutors, attorneys, State, Federal, and local law enforcement officers, tribal leaders, archeologists, game wardens, and park rangers, backed by responsive courts. Blessings to all who continue the traditions of protecting our sacred places. The task is great, and the stakes are nothing less than the preservation of patrimony and identity.

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Photos by the author.

Unauthorized excavation at a Native American site in central New Mexico.

